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Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

AUGUSTINE, NICHOLAS

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/628,977
Filing Date: July 28, 2003
Appellant(s): HAEBERLE ET AL.

Michael J. Wallace
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/25/2008 appealing from the Office action mailed 05/03/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,363,422

HUNTER

3-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 13-16, 18-28 and 30-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Hunter et al (6,363,422 B1).

NOTE: *each proceeding claim note the previous analysis claims as well for further information. Also note the entire reference as a whole and not specific line and column numbers [1].*

As to independent claim 13 and 25, Hunter teaches a computer implemented method and corresponding system for providing information relating to service activity for a plurality of building sites (figure 1 and 7; col.3, lines 20-33): providing a web portal (“intranet”) comprising a database (col.8, lines 40-46), and storing service related information about a plurality of building sites in said database (col.10, 64-67 and col.11, lines 1-19), said web portable capable of being operatively connected to one or more clients (figure 7); receiving at said web portal a request for information about the status of service activity for one or more building sites from one or more clients determining at said customer web portal a plurality of service activities that are implicated by said

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request; communicating from said web portal information implicated by said request such that said information is capable of being on a client display (col.13, lines 17-39 and col.3, lines 53-62).

As to dependent claim 14 and 26, Hunter teaches the method and corresponding system according to claim 13 and 25, further comprising receiving a request from a client to display further information about an individual service activity, and communicating said further information such that said information is capable of being displayed on a client display (col.13, lines 17-39 and col.3, lines 53-62).

As to dependent claim 15 and 27, Hunter teaches the method and corresponding system according to claim 13 and 25, wherein said service activity information further comprises information relating to the type of service activity being provided (col.6, lines 20-25 and col.5, lines 54-56).

As to dependent claim 16 and 28, Hunter teaches the method and corresponding system according to claim 13 and 25, wherein said service activity information further comprises information about the type of system a service activity is being provided for (col.16, lines 18-21).

As to dependent claim 18 and 30, Hunter teaches the method and corresponding system according to claim 13 and 25, wherein service activity information further

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comprises information about the call type of a service activity (col.13, lines 40-52 and col.15, lines 35-56).

As to dependent claim 19 and 31, Hunter teaches the method and corresponding system according to claim 13 and 25, wherein service activity information further comprises information about a plurality of sites in which service activity is being performed (col.3, lines 52-58)

As to dependent claim 20 and 32, Hunter teaches the method and corresponding system according to claim 13 and 25, further comprising receiving a request from a client to obtain further information about an individual building site and communicating said further information about an individual building site such that said information is capable of being displayed on a client display (col.3, lines 52-58 and col.5, lines 54-66).

As to dependent claim 21 and 33, Hunter teaches the method and corresponding system according to claim 13 and 25, further comprising receiving a request from a client for information about an individual service order, and communicating said individual service order information such that said individual service order information is capable of being displayed on a client display (col.13, lines 10-16 and col.6, lines 18-31).

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As to dependent claim 22 and 34, Hunter teaches the method and corresponding system according to claim 13 and 25, wherein said communicated service related information is organized by site (col.13, lines 17-39: by means of known methods well practiced by “Microsoft Excel”).

As to dependent claim 23 and 35, Hunter teaches the method and corresponding system according to claim 13 and 25, wherein said communicated service related information is organized by system (col.13, lines 17-39: by means of known methods well practiced by “Microsoft Excel”).

As to dependent claim 24 and 36, Hunter teaches the method and corresponding system according to claim 13 and 25, wherein said communicated service related information is organized by type of service (col. 13, lines 17-39: by means of known methods well practiced by “Microsoft Excel”).

As to dependent claim 37, Hunter teaches the method according to claim 18, wherein the call type is preventative maintenance (col.6, lines 16-31).

As to dependent claim 38, Hunter teaches the method according to claim 18, wherein the call type is corrective maintenance (col.15, lines 18-56).

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As to dependent claim 39, Hunter teaches the system according to claim 30, wherein the call type is preventative maintenance (col.6, lines 16-31).

As to dependent claim 40, Hunter teaches the system according to claim 30, wherein the call type is corrective maintenance (col.15, lines 18-56).

As to dependent claim 41, Hunter teaches the method according to claim 16, wherein the system is selected from the group comprising HVAC systems, mechanical systems, fire safety systems and security systems (col.13, lines 26-29).

As to dependent claim 42, Hunter teaches the system according to claim 28, wherein the system is selected from the group comprising HVAC systems, mechanical systems, fire safety systems and security systems (col.13, lines 26-29).

(NOTE: The Examiner has found typographical errors that were presented in the final action filed 05/03/2007; wherein the statement of the rejection was mislabeled ("12-42" instead of "13-16, 18-28 and 30-42" of section two of the rejection. Also the heading of claims 14-24 were mislabeled (i.e. "As to dependent claim 14" instead of "As to dependent claim 14 and 26"). The Applicant did not address this problem but at the same time acknowledges in the remarks filed by the Applicant on 05/14/2007 that claims 13-24 are related to claims 26-36 respectfully with the only difference as claims 13-24 are related to a method and claims 26-36 are related to a system. Thus no new

ground of rejection has been introduced and the examiner has maintained the same rationale throughout the prosecution.)

(10) Response to Argument

Beginning on page 5 of Appellant's brief (hereinafter "Brief"), Appellant argues specific issues, which are accordingly addressed below:

A1. Appellant argues Hunter does not disclose step of storing service related information about a plurality of building sites in said database.

R1. The Examiner respectfully disagrees. Hunter discloses an interface that monitors a plurality of facilities ("building sites") (col.3, lines 20-33). Hunter further explains the use of various databases within the system; wherein these databases store information, such as the service database for storing information of service data for use within the system for displaying within the client browser user interface services (figure 2, col.8, lines 41-46 and col. 11, lines 14-19).

A2. Appellant argues Hunter does not disclose receiving at said web portal a request for information about a status of service activity for one or more building sites.

R2. The Examiner respectfully disagrees. Hunter discloses on the client device monitoring the status of services from a plurality of facilities using a service database (col.13, lines 10-17) the graphical user interface is disclosed here col.13, lines 17-31 which discloses the monitoring status information on the system states and history on

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all power, environmental, security , and health/safety and fire equipment (all of which are various types of monitoring services that monitor different statuses from different areas from a plurality of facilities. This graphical user interface as explained interacts with the user that allows the user to request status information along with other related information from a plurality of facilities.

A3. Appellant argues Hunter does not disclose determining ... a plurality of service activities that are implicated by said request; a service activity includes any maintenance, repair or similar activities regarding building elements.

R3. The Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., service activities includes any maintenance, repair or similar activities regarding building elements) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore Hunter provides a system for monitoring services from a plurality of facilities (col.13, lines 10-17; col.15, lines 19-24; col.17, lines 37-40).

A4. Appellant argues Hunter does not disclose receiving a request from a client for information about an individual service order.

R4. The Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a service order is a contract or request that a technician perform a specific service or set of services on equipment at a particular site") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The term service order can take more than one accepted meaning in the art, for example Hunter explains request to the system (server) for information to be sent back to the client, this function is sometimes construed as being called a service order as known in the art (col.3, lines 53-62).

A5. Appellant argues Hunter does not teach organizing output information.

R5. The Examiner respectfully disagrees. Hunter discloses that the operational database is disposed in a format suitable for direct access and displayed by a web-enabled spreadsheet application. To what is known in the art, a spreadsheet as suggested (MICROSOFT EXCEL) by Hunter is an output of data that is organized by designer or operator by any way. Thus Hunter provides a system capable of outputting data in an organized fashion in such to sort through field names that would/could contain the terms "site", "system" and/or "service".

(11) Related Proceeding(s) Appendix

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Nicholas Augustine/
Patent Examiner
April 22, 2008

Conferees:

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179

Weilun Lo
Supervisory Patent Examiner

Ba Huynh
Primary Examiner
April 22, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179